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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/080,779	ZENG, XIAOQING SUZY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert Madsen	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 8, 2004.
2. ☒ The allowed claim(s) is/are 2-11,13-15,23-25 (renumbered as 2-16, 1, respectively).
3. ☒ The drawings filed on 02/22/2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>6/25/2004</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                   |
|   | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. The Amendment filed April 8, 2004 has been entered. Claims 23-25 have been added. Claims 1-25 remain pending in the application, and claims 16-22 have been withdrawn from further consideration as being drawn to a non-elected invention.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

- Cancel claims 1,12,16-22.
- Claim 2:     After "of claim", delete "1" and insert "25".  
                  After "wherein said", delete "portions" and insert "capsules"
- Claim 3:     After "of claim", delete "1" and insert "25".  
                  After "wherein said", delete "portions" and insert "capsules"
- Claim 4:     After "of claim", delete "1" and insert "25".  
                  After "wherein said", delete "portions" and insert "capsules"
- Claim 5:     After "of claim", delete "1" and insert "25".
- Claim 6:     After "of claim", delete "1" and insert "25".
- Claim 7:     After "of claim", delete "1" and insert "25".  
                  After "wherein said", delete "portions" and insert "capsules"
- Claim 8:     After "of claim", delete "1" and insert "25".  
                  After "wherein said", delete "portions" and insert "capsules"
- Claim 9:     After "of claim", delete "1" and insert "25".

After "wherein said", delete "portions" and insert "capsules".

- Claim 10: After "of claim", delete "1" and insert "25".

After "wherein said", delete "portions" and insert "capsules".

- Claim 11: After "of claim", delete "1" and insert "25".

After "wherein said", delete "portions" and insert "capsules".

- Claim 13: After " of claim", delete "1" and insert "25".

- Claim 15: After " of claim", delete "1" and insert "25".

- Claim 23: Line 1: After " of claim", delete "1" and insert "25".

Line 2: After "types of ", delete "portions" and insert "capsules".

Line 3: After "between the ", delete "portions" and insert "capsules".

- Claim 24: Line 1: After " of claim", delete "1" and insert "25".

Line 3: After "outer cup via", delete "the" and insert "a".

After "pour spout", insert "in the outer cup".

Line 4: After "via the spout" delete ",said lid being rotatable relative to said outer cup between the configuration permitting the beverage to exit said outer cup and the configuration preventing the beverage from exiting said outer cup" and insert "." .

- Claim 25: Line 8: After "said beverage" , delete ",formed of a translucent polymer having measuring indicia thereon, and having a pour spout disposed in the sidewall and adjacent the opening" .

Line 16: After "the outer cup", delete "via the pour spout".

Line 18: After "cup", delete "via the spout".

3. Authorization for this examiner's amendment was given in a telephone interview with Jon Birmingham on June 25, 2004.

***Allowable Subject Matter***

4. Claims 2-11,13-15,23-25 are allowed.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Williams (US 1770118) teaches different beverage concentrates , which may have different shapes, held within an inner cup positioned within an outer cup.
- Toms (US 3121636) teach beverage concentrates in an inner cup positioned within an outer cup.
- Christine et al. (US 3414414) teach mercantile packages of tea/coffee/soup concentrates.
- Croner (US 3743520) teach different flavored concentrates of different sizes in an inner container held within an outer container.

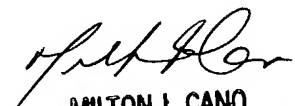
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- Carmichael (US 4495404) teaches different concentrates in an inner container held within an outer container with a spout.
  - Degraff-Eugene (US 5673789) teaches different concentrates in an outer container with a rotatable lid covering the inner container.
  - Lake (US 6065609) teach a transparent inner container containing a drink concentrate within a transparent outer container.
  - Wentling (US 6382411 B1) teaches inner containers of holding different drink concentrates within an outer container.
  - Ramon (US 2003/0077360 A1) teaches an outer cup with a drink concentrate and inner cup with liquid (Figure 4).
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Madsen whose telephone number is (571) 272-1402. The examiner can normally be reached on 7:00AM-3:30PM M-F.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Madsen  
Examiner  
Art Unit 1761



MILTON I. CANO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700